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JHS-1451

Attorneys for Defendants, Breezy Point, Inc. and Michael Chrone

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

BYRON CORDOVA
Plaintiff,

-vs-

BREEZY POINT INC. d/b/a CHRONE'S
TAVERN, MICHAEL CHRONE and
MOHAMMED HUSSIEN
Defendants

:
: Civil Action No. 2:19-CV-15442
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:
:
: NOTICE OF MOTION
: TO DISMISS PURSUANT TO
: F.R.C P. 12(B)(6)
:
:
:
:

TO: NICOLE D. GRUNFELD, Esq.
KATZ MELINGER, PLLC
Attorneys for Plaintiffs
280 Madison Avenue, Suite 600
New York, New York 10016

MADAM:

PLEASE TAKE NOTICE that on Monday, November 18, 2019 at 10:00 o'clock in the forenoon or as soon thereafter as counsel may be heard, the undersigned as attorneys for Defendants, Breezy Point, Inc. and Michael Chrone ("Moving Defendants") shall move before the Honorable Madeline Cox Arleo, U.S.D.J. at the Martin Luther King Jr. Federal Building and United States Courthouse, 50 Walnut Street, Newark, New Jersey for an Order dismissing this matter as to Moving Defendants for failure to state a claim upon which relief can be granted.

In support of the within motion, Moving Defendants shall rely upon the enclosed Brief in Support of Motion and the Certifications of Michael Chrone and Mohammed Hussein. A proposed form of Order is also enclosed.

Lindabury, McCormick, Estabrook & Cooper, P.C.
Attorneys for Defendants. Breezy Point, Inc. and Michael Chrone



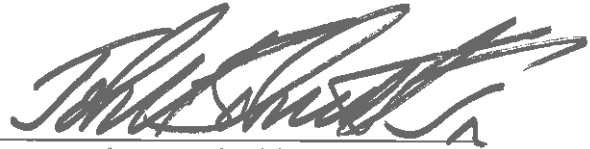
John H. Schmidt, Jr.

Dated: October 21, 2019

CERTIFICATION OF SERVICE

I hereby certify that on this date I arranged for one copy of the within Notice of Motion and supporting documents to be filed electronically with the Court. I also arranged for the original and one copy of this Notice of Motion, Brief in Support of Motion, Certifications of Michael Chrone and Mohammed Hussein, and a proposed form of Order to be delivered to the Court via Lawyers Service Delivery.

I also certify that on this date I arranged for one copy of this Notice of Motion, Brief in Support of Motion, Certifications of Michael Chrone and Mohammed Hussein, and a proposed form of Order to be delivered via Federal Express to Nicole D. Grunfeld, Esq., Katz Melinger, PLLC, 280 Madison Avenue, Suite 600, New York, New York 10016

A handwritten signature in black ink, appearing to read "John H. Schmidt, Jr.", is written over a horizontal line.

John H. Schmidt, Jr.

Dated: October 21, 2019